

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NICHOLAS MARTONE, WAYNE MASKIELL,  
MICHAEL DRAGONE, PETER MUSCHTER,  
THOMAS MILLER and CHARLES LAMANTIA,  
as Trustees of the UNITED UNION OF ROOFERS,  
WATERPROOFERS, AND ALLIED WORKERS  
LOCAL 154 WELFARE, PENSION, ANNUITY  
and APPRENTICESHIP AND TRAINING FUNDS,

Plaintiffs,

v.

HST ROOFING, INC., HARVEY SULTAN,  
individually, and TWIG ROOFING, INC.,

Defendants.

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GARAUFIS, United States District Judge.

ORDER

03-CV-4165 (NGG) (RML)

On February 24, 2006, this court granted Plaintiffs' motion for default judgment against Defendant Twig Roofing, Inc., and subsequently referred Plaintiffs' motion for attorney's fees and costs to Magistrate Judge Robert M. Levy. On January 22, 2007, Judge Levy issued a Report and Recommendation (R&R) recommending that Plaintiffs be awarded \$5,500 in attorneys' fees, \$600 in costs, and \$4,940 in auditors' fees, for a total of \$11,040. No party has filed objections to the R&R.

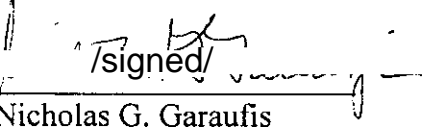
In reviewing an R&R, this court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). In order to accept a Magistrate Judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189

(S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is “not facially erroneous”).

The R&R is comprehensive and extremely well-reasoned. The court finds no clear error in the R&R and therefore adopts the R&R for the reasons stated therein. Plaintiffs’ motion for attorneys’ fees, costs, and auditors’ fees is hereby GRANTED as detailed above.

SO ORDERED.

Dated: February 21, 2007  
Brooklyn, N.Y.

  
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Nicholas G. Garaufis  
United States District Judge